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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
PORTLAND DIVISION

MICHAEL JAMES EVANS,

Case No. 11-CV-272-ST

Plaintiff,

ORDER

v.

STEVEN FRANKE,

Defendant.

MOSMAN, District Judge.

Plaintiff filed this prisoner 42 U.S.C. § 1983 on March 3, 2011 and filed a Motion for Leave to File Amended Complaint (docket #5) on March 28, 2011. The Motion to Amend does not include a proposed amended complaint and, instead, asks the court to make various changes to his original Complaint.

Local Rule 15-1(c)(1) requires a party moving to amend a pleading to "reproduce the entire pleading and . . . not incorporate any part of the prior pleading by reference" and to describe the changes to the pleading to be amended. Because no

Amended Complaint accompanies plaintiff's Motion to Amend, the Motion is denied. Plaintiff may, however, file an amended complaint within 30 days of the date of this Order which complies with the Local Rules.

Also before the court is plaintiff's Motion for Summary Judgment (docket #6). Such a Motion is premature because none of the defendants to this lawsuit have been served with any pleading. In addition, plaintiff has not served a copy of his Motion for Summary Judgment on defendants as required by Fed. R. Civ. P. 5(a). While plaintiff asks the court to serve a copy of his Motion for Summary Judgment on defendants for him, this is not a service the court provides. The Motion for Summary Judgment is therefore denied without prejudice to plaintiff's right to refile it after defendants have waived service or been properly served.

CONCLUSION

Plaintiff's Motion for Leave to File Amended Complaint (docket #5) and Motion for Summary Judgment (docket #6) are both DENIED without prejudice. Plaintiff may file an amended complaint within 30 days which complies with the court's Local Rules. His failure to do so will prompt the court to proceed on his original Complaint.

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Plaintiff may also refile his Motion for Summary Judgment after defendants have either waived service, or been properly served.

IT IS SO ORDERED.

DATED this 25th day of April, 2011.

/s/ Michael W. Mosman
Michael W. Mosman
United States District Judge